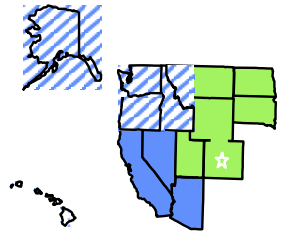




US Army Environmental Center
Western Regional Environmental Office
REGION 8 – JULY 2003

WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500, Phone: (303) 844-0954, or e-mail: mgedgaud@rma.army.mil.

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DID YOU KNOW?

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – REVISIONS TO REGIONAL HAZE RULE – On 5 June 2003 (68 FR 33763), EPA promulgated revisions to its regional haze rule to incorporate sulfur dioxide milestones and backstop emission trading program for nine Western States and eligible Indian Tribes. The Western Regional Air Partnership submitted an Annex to EPA that contained recommendations for implementing the regional haze rule in nine Western States, including a set of recommended regional emissions milestones. The milestones address, for the time period between 2003 and 2018, emissions of sulfur dioxide, a key precursor to the formation of fine particles and regional haze. The revisions will be effective 4 August 2003. For further information, contact Tim Smith EPA at (919) 541-4718, or e-mail: smith.tim@epa.gov.

PROPOSED RULE – IMPLEMENTATION OF THE 8-HOUR OZONE STANDARD – On 2 June 2003 (68 FR 32801), EPA proposed two discrete frameworks to implement the 8-hour ozone national ambient air quality standard (NAAQS). The intended effect of the rule is to provide certainty to states regarding development of their State Implementation Plans upon designation and classification for the 8-hour ozone NAAQS. The two frameworks are based on two different classification options, which affect the requirements that would apply to individual nonattainment areas. Comments must be received by 1 August 2003. For further information, contact John Silvasi, EPA at (919) 541-5666, or e-mail: silvasi.john@epa.gov.

PROPOSED RULE – CONTROL OF EMISSIONS FROM NONROAD DIESEL ENGINES AND FUEL – On 23 May 2003 (68 FR 28327), EPA proposed new emission standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel that will dramatically reduce emissions attributed to nonroad diesel engines. New engine standards will begin to take effect in the 2008 model year. EPA estimates PM reductions of 95%, NO_x reductions of 90%, and the virtual elimination of SO_x from nonroad engines meeting the new standards. Nonroad diesel fuel sulfur reductions will begin in mid-2007. EPA also proposed new test procedures and related certification requirements. Comments are due by 20 August 2003. For further information, contact Carol Connell, EPA at (734) 214-4349, or e-mail: connell.carol@epa.gov.

WASTE INFORMATION:

FINAL RULE – CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES AND CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS: DISPOSAL OF RESIDENTIAL LEAD-BASED PAINT WASTE – On 18 June 2003 (68 FR 36487), EPA promulgated a change to its definition of "municipal solid waste landfill unit" in both the Criteria for Classification of Solid Waste Disposal Facilities and Practices and the Criteria for Municipal Solid Waste Landfills. In addition, EPA promulgated two new definitions for "construction and demolition landfill" and "residential lead-based paint waste." This final rule allows residential lead-based paint waste that is exempted from the hazardous waste management requirements as household waste to be disposed of in construction and demolition landfills by stating that a construction and demolition landfill accepting residential lead-based

paint waste, and no other household waste, is not a municipal solid waste landfill unit. The rule was effective 18 June 2003. For further information, contact Paul Cassidy, EPA at (703) 308-7281, or e-mail: cassidy.paul@epa.gov.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – ASSESSMENT OF BIOFUELS AS AN ALTERNATIVE TO CONVENTIONAL FOSSIL FUELS - EPA has released an "Assessment of Biofuels as an Alternative to Conventional Fossil Fuels." The study concludes that: 1) Biofuels may be substituted for No. 6 fuel oil; 2) Biofuels, with the exception of chicken fat and choice white grease, may be substituted for No. 2 fuel oil; 3) Biofuels, with the exception of chicken fat and choice white grease, may be substituted for natural gas if local and regional air quality conditions warrant. The document is available at: <http://www.epa.gov/ttn/oarpg/t3/reports/abacff.pdf>. For further information, contact Robert Wayland, EPA at (919) 541-1045.



GENERAL INFORMATION

NOTICE OF AVAILABILITY – GAO REPORT: DOD ENVIRONMENTAL COMPLIANCE - GAO has released a report assessing DoD's environmental compliance. The report, "Environmental Compliance: Better Guidance Needed to Ensure That the Most Important Activities Are Funded," says that while the Services have made significant improvements in recent years, DoD has not reached full environmental compliance. DoD spends about \$2 billion a year to manage more than 425 major military installations covering 25 million acres and must comply with a broad range environmental law. In assessing how DoD and the Services identify, prioritize, and fund their environmental quality activities, GAO found that some high-priority projects were being deferred. GAO recommended that DoD establish a more specific policy identifying which activities are eligible for funding and how to prioritize and fund those activities. The Services should then revise their policies and processes to conform to the revised DoD policy. The report is available at: <http://www.gao.gov/new.items/d03639.pdf>.

FINAL RULE – DESIGNATION OF CRITICAL HABITAT FOR THE PREBLE'S MEADOW JUMPING MOUSE – On 23 June 2003 (68 FR 37275), the U.S. Fish and Wildlife Service (FWS) designated critical habitat for the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) pursuant to the Endangered Species Act of 1973. The designation includes 8 habitat units totaling approximately 12,632 hectares (31,222 acres) found along 578.1 kilometers (359.2 miles) of rivers and streams in the States of Colorado and Wyoming. The designation includes river and stream reaches and adjacent areas in the North Platte River and South Platte River. The final rule will be effective 23 July 2003. For further information, contact Field Supervisor, FWS, at (303) 275-2370.

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE

8-10 July 2003 – West Point, New York

23-25 September 2003 – Newport, Rhode Island

This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

CERCLA/RCRA PROCESS COURSE

15-18 July 2003 – Minneapolis, Minnesota

The Army Corps of Engineers is offering this ISEERB designated course to all federal agencies. The course delineates both the CERCLA and RCRA regulatory requirements associated with cleanup and compares and contrasts the two programs from DoD's perspective as the lead federal agency. For more information or to register, contact Rebecca Rodriguez at (256) 895-7448.

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING

16-17 July 2003 - San Diego, California

16-17 September 2003 – Anchorage, Alaska

In conjunction with the Federal Network for Sustainability, EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McKnissey at (206) 553-1616, e-mail: mcknissey.kaye@epa.gov (for San Diego), or link: <http://www.doi.gov/training/dlca.html> (for Anchorage).

ADVANCED RISK COMMUNICATION WORKSHOP

21-24 July 2003 – Denver, Colorado

13-15 January 2004 – San Diego, California

2-5 August 2004 – Salt Lake City, Utah

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP

22-23 July 2003 – Washington, DC

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

NATIONAL FORUM ON WATER QUALITY TRADING**22-23 July 2003 – Chicago, Illinois**

This forum, sponsored by EPA, will focus on market innovations to restore watersheds and meet water quality goals with greater efficiency. It is designed for state environmental agencies, municipal and industrial dischargers, the agricultural community, and other watershed interests. For more information, contact Lynda Wynn at wynn.lynda@epa.gov.

CLEANUP SITE CLOSURE: INTEGRATING REGULATORY AND ADMINISTRATIVE ACTIVITIES**11-12 August 2003 – Las Vegas, Nevada**

The Resource Training Institute (RTI) is presenting this course for personnel who are involved in the planning and implementation of closure and post-closure care activities at hazardous and mixed waste management facilities and/or environmental restoration projects. Topics covered include CERCLA action completion, NPL deletion, RCRA hazardous waste management unit closure, conducting integrated planning of closure and post-closure care activities when CERCLA or RCRA programs apply at a site, and case studies to illustrate these activities. To register, contact the RTI Registrar at (803) 652-8830, or e-mail: registrar@rtii.org. For more information, including the full schedule of RTI courses, link: <http://www.rtii.org>.

8TH ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE**11-14 August 2003 – San Antonio, Texas**

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship. For more information, link: <http://www.p2-hwmconference.com>.

2003 RCRA NATIONAL MEETING**12-15 August 2003 – Washington, D.C.**

EPA is sponsoring the 2003 Resource Recovery and Conservation Act National Meeting, "RCRA: Putting Resource Conservation in RCRA," which focuses on the Resource Conservation Challenge. This is a major national effort to conserve natural resources through waste reduction and energy recovery programs. For more information, link: <http://www.epa.gov/osw/meeting>.

2003 FEDERAL FACILITIES MANAGERS SYMPOSIUM**20-23 August 2003 – Portland, Oregon**

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is hosting this symposium titled "Learning from the Past, Building for the Future." The symposium is designed to promote understanding and foster communication on critical federal facilities issues that are important to the states. For further information or to register, contact Dania Rodriguez at (202) 624-5973, e-mail: daniar@sso.org, or link to the ASTSWMO web site at: <http://www.astswmo.org>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**26-28 August 2003 – Seattle, Washington****27-29 October 2003 – Ft. Richardson, Alaska****3-5 November 2003 – Ft. Wainwright, Alaska****24-26 February 2004 – Seattle, Washington****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

BROWNFIELDS 2003 CONFERENCE**27-29 October 2003 – Portland, Oregon**

EPA is sponsoring this conference on brownfields cleanup and reuse. The conference will include panel sessions, mobile workshops, "Marketplace of Ideas" roundtable discussions, and individual poster presentations. For further information, link: <http://www.epa.gov/brownfields>.

UXO BASIC TRAINING COURSE**28-29 October 2003 – Austin, Texas**

The Interstate Technology and Regulatory Council (ITRC) is co-sponsoring this course with EPA and the Texas Commission on Environmental Quality. This is an entry-level course designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Participants will be introduced to basic terminology, munitions identification, safety concerns, regulatory requirements, conventional and innovative technology, site investigation, and site remediation. For more information or to register, contact Eileen O'Toole at (540) 557-6007, or link to the ITRC web site: <http://www.itrcweb.org>.

EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE**16-19 November 2003 – Norfolk, Virginia**

The theme of this EPA conference is "Stay the Course," and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

NREP/INSTEP ANNUAL TECHNICAL CONFERENCE**17-21 November 2003 – Orlando, Florida**

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT**5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

US ARMY CORPS OF ENGINEERS TRAINING SURVEY FOR FY 04

USACE is conducting an electronic training survey for persons interested in attending its courses in Fiscal Year 2004. These courses are open to all federal agencies. The survey, which must be completed by 15 July, also allows requests for onsite training needs. The entire list of courses is available at: <http://pdsc.usace.army.mil/CourseScheduleNewFY.asp>. For more information, contact Sherry Whitaker at (256) 895-7425, or e-mail: sherry.m.whitaker@usace.army.mil.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

AIR INFORMATION:

FINAL REGULATION – CONTROL OF EMISSIONS OF ACID DEPOSITION PRECURSORS - The Colorado Department of Public Health and Environment (CDPHE) has adopted revisions to Regulation 18, Control of Emissions of Acid Deposition Precursors (5 CCR 1001-22). The amendments incorporate by reference revisions that have been made to the federal program regarding definitions. The amendments also correct the effective date of the Acid Rain NO_x Emission Reduction Program and correct typographical errors. The revisions were effective 30 June 2003. For more information, contact Douglas Lempke at (303) 692-3478.

PROPOSED REGULATION – REVISIONS TO MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM – CDPHE has proposed revisions to its Motor Vehicle Emissions Inspection Program (Reg. 11) to establish model year exemptions and the exemption of vehicles from inspection on change of ownership. CDPHE also proposed to eliminate the inspection/maintenance programs from the Fort Collins and Greeley areas. In addition, CDPHE proposed revisions to the Diesel Vehicle Emissions Program (Reg. 12) that change 1) definitions of heavy and light duty vehicles; 2) model year exemptions; and 3) peak opacity standards. CDPHE will hold a public hearing 18 September 2003. Written comments are due by 4 September. For more information, contact Douglas Lempke at (303) 692-3478.

PUBLIC HEARING – PM_{2.5} AREA DESIGNATIONS – CDPHE will hold a public hearing on 17 July 2003 to determine the attainment status for fine particulate matter (PM_{2.5}) for all air quality regions in the State. For more information, contact Douglas Lempke at (303) 692-3478

WATER INFORMATION:

FINAL PERMIT – NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM FEDERAL FACILITY SMALL MUNICIPAL SEPARATE STORM WATER SYSTEMS (MS4s) IN COLORADO - On 13 June 2003 (68 FR 35408), EPA issued a NPDES general permit for storm water discharges from regulated small municipal separate storm sewer systems (MS4s). This general permit will apply to federal facilities in urbanized areas of Colorado that apply for coverage under this permit. The federal facilities that have applied for coverage under this permit include: Fort Carson, Peterson Air Force Base, the U.S. Air Force Academy, and the Veterans Affairs Medical Center, Denver. Additional federal facilities may need to apply for permit coverage at a later date if justified by subsequent Census data. The general permit was effective on 13 June 2003, and will expire five years from that date. For further information, contact Greg Davis, EPA at (303) 312-6082, or e-mail: davis.gregory@epa.gov.

FINAL REGULATION – AMENDMENTS TO PRIMARY DRINKING WATER REGULATIONS – CDPHE has adopted amendments to the primary drinking water regulations. The amendments include revising Article I - General, section 1.2.2 (14), definition of "Cross-Connection Control Technician;" and revising Article 12 - Hazardous Cross-Connections, to include CDPHE approval of the American Society of Sanitary Engineers, the American Backflow Association, and/or American Boards of Certification as the examination organizations that determine whether or not the applicant has the necessary skills, knowledge, ability, and judgment appropriate for technician certification. The amendments will be effective 10 July 2003. For more information, contact Linda Shearman at (303) 692-3464.

PROPOSED REGULATION – CHANGES TO WATER QUALITY CLASSIFICATIONS, STANDARDS, AND DESIGNATIONS – CDPHE has proposed revisions to the water quality classifications, standards, and designations for multiple segments in the Lower Colorado River and Upper Colorado River Basins and for the North Platte River. The revisions identify the uses of rivers, streams, lakes and reservoirs to be protected and establish numerical standards for potential pollutants at level to protect these uses. CDPHE will hold a public hearing on 14 July 2003. For more information, contact Paul Frohardt at (303) 692-3468, or link: <http://www.cdphe.state.co.us/op/wqcc/wqcchom.asp>.

PROPOSED REGULATION – GROUND AND SURFACE WATER STANDARDS FOR MTBE AND TBA CDPHE has proposed regulations to adopt statewide ground and surface water quality standards for the gasoline oxygenates methyl-tert-butyl ether (MTBE) and tert-butyl alcohol (TBA). These regulations would be incorporated into the Basic Standards and Methodologies for Surface Water, Regulation #31, and the Basic Standards for Groundwater, Regulation #41. CDPHE will conduct a rulemaking hearing on 8 September 2003. For more information, contact Sarah Johnson at (303) 692-3609.

PROPOSED REGULATION – PRETREATMENT REGULATIONS – The Colorado Water Quality Control Commission has proposed amendments to its Pretreatment Regulations, Regulation 63. The purpose of these regulations is to fulfill the following objectives: (1) prevent the introduction of pollutants into Publicly Owned Treatment Works (POTW) which interfere with the operation of a POTW, including interference with its use or disposal of sludge; (2) prevent the introduction of pollutants into POTW's which will pass through the treatment works without receiving effective treatment or otherwise be incompatible with such works; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. The Commission will hold a public hearing on 8 September 2003. Written comments will be accepted until 8 July. For more information, contact Diana Glaser at (303) 692-3469.

DEPARTMENTAL DISCUSSION – 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING CRITERIA – CDPHE is discussing listing methodology for the 2004 303(d) list of impaired waters. CDPHE will hold an informational hearing in September 2003 and hopes to approve the list in March 2004, since it must be submitted to EPA by 1 April 2004. Tim Blume, Army REC Region 8, is participating on the stakeholder workgroup to develop the proposed list. For more information, contact Tim at (303) 844-0958, or Phil Hegeman, CDPHE at (303) 692-3500.

Legislative Developments

The 2003 legislative session began 8 January and ended 7 May. A summary of the significant environmental legislation that was enacted and signed is presented below. For more information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm.

COLORADO HB 1001 – WATER USE - Requires the Colorado Water Resources and Power Development Authority to subsidize the cost of issuing bonds and notes for water management facilities that are raw water diversion or storage projects and that are jointly sponsored by two or more governmental agencies. Allows the State Engineer to approve, after notice and comment, the operation of substitute water supply plans during a drought. Allows entities that pay for repairs necessary to remove a reservoir storage restriction imposed by the State Engineer to apply for approval of the use of such storage as a drought substitute water supply plan. Signed by Governor Bill Owens (R) 25 April. The sponsor is Representative Diane Hoppe (R).

COLORADO HB 1008 – WATER USE - Authorizes the record or beneficial owner of a water right appurtenant to a land or water area to create a conservation easement in the water right. Specifies that if a mutual ditch company or irrigation district is the record owner of a water right, a conservation easement may be created in that water right only in accordance with the applicable requirements of the ditch company or irrigation district. Signed by Governor 17 April. The sponsor is Representative Lola Spradley (R).

COLORADO HB 1015 – AIR QUALITY - Delays for 5 years (until 1 July 2008) the first of a series of cumulative economic analyses of all air pollution control measures adopted by the state, to be undertaken by the Department of Public Health and Environment after public comment and review. Repeals a permit fee credit

program for permittees that reduce their baseline level of emissions of regulated pollutants. Signed by Governor 7 April. The sponsor is Representative Rosemary Marshall (D).

COLORADO HB 1016 – INSPECTION AND MAINTENANCE PROGRAMS - Authorizes the Air Quality Control Commission to increase the effective duration of emissions compliance certifications issued for new motor vehicles. Authorizes the sale of a motor vehicle without obtaining an emissions test if the original new vehicle emissions certification does not expire within the next 12 months. Signed by Governor 2 May. The sponsor is Representative Shawn Mitchell (R).

COLORADO HB 1035 – EXOTIC NUISANCE SPECIES - Authorizes a board of county commissioners to contract with another board to manage and control pests, including sharing costs and employees. Requires such contract to be in writing and contain the purposes, rights, responsibilities, and financial obligations of each county. Clarifies that such contracting authority does not supercede existing legal obligations. Repeals a prohibition on the creation of pest control districts for weed management. Signed by Governor 7 April. The sponsor is Representative Bob Briggs (R).

COLORADO HB 1046 – LAND USE – Modifies the current conservation easement law by allowing such easements to be created through a reservation by a governmental entity or through a reservation or grant by a charitable organization. Signed by Governor 17 April. The sponsor is Representative Alice Madden (D).

COLORADO HB 1053 – DIESEL EMISSIONS - Modifies the requirements for testing diesel vehicle emissions. Expands the model year exemption from two to four years for heavy-duty diesel vehicles. Decreases the frequency of tests from annual to biennial for heavy-duty vehicles that are 10 model years old or newer and at least model year 1995. Requires testing of all diesel vehicles routinely operated in the program area, even if such vehicles are not registered or housed in the program area. Authorizes the transfer of ownership of a diesel vehicle from the lessor to the lessee without an emissions test during the first four model years of the vehicle's life. Makes other changes to the program, including changing the definition of a heavy-duty diesel vehicle from a vehicle that exceeds 7,500 pounds empty weight to a vehicle that exceeds 14,000 pounds gross vehicle weight rating. Signed by Governor 17 April. The sponsor is Representative Ann Ragsdale (D).

COLORADO HB 1056 – WASTE - Extends from 1 January 2004 to 1 January 2009 two repeal dates relating to the expenditure of solid waste fees to fund response actions at solid waste landfills and national priority list sites. Signed by Governor 21 May. The sponsor is Representative Joe Stengel (R).

COLORADO HB 1092 – FORESTRY - Directs the Department of Natural Resources and its divisions that own forested land, in consultation and cooperation with the State Forester, to actively manage all forested State lands consistent with applicable laws and State best management practices. The Department, using the range of management options appropriate to the given forest ecosystem, will: (1) reestablish natural forest conditions; (2) reduce the threat of large, high-intensity wildfires in the wildland-urban interface; (3) sustain and promote natural habitat consistent with healthy forest conditions; and (4) conserve and restore, as appropriate, natural water yields from forested watersheds. Signed by Governor 5 June. The sponsor is Representative Al White (R).

COLORADO HB 1100 – LAND USE - Authorizes a municipality, a county, the Colorado State Forest Service, the Wildlife Commission, the Colorado Water Conservation Board, and the Air Quality Control Commission to coordinate with the U.S. Secretary of the Interior and the U.S. Secretary of Agriculture to develop resource management plans for federal lands within its jurisdiction pursuant to federal law. Signed by Governor 17 April. The sponsor is Representative Matt Smith (R).

COLORADO HB 1140 – NOXIOUS WEEDS - Amends legislative findings to include eradication, containment, and suppression of noxious weeds as being in the best interests of Colorado. Prohibits the intentional introduction of a designated noxious weed into Colorado. Allows the Commissioner of Agriculture to seek reimbursement of costs associated with weed management related to the intentional introduction of designated noxious weeds from the entities involved in the introduction of the species. Directs the Department of Agriculture to classify noxious weeds. Signed by Governor 5 June. The sponsor is Representative Mark Larson (R).

COLORADO HB 1340 – AIR EMISSIONS - Authorizes the Air Quality Control Commission to revise the motor vehicle emission budgets contained in the carbon monoxide maintenance plans for the Longmont, Colorado Springs, and Denver metropolitan areas in 2003 by using the latest mobile source emissions model and guidance issued by EPA. Allows the Commission to remove emission control strategies from the Colorado Springs carbon monoxide maintenance plan as appropriate to comply with the national ambient air quality standards. Signed by Governor 22 May. The sponsor is Representative Bob Briggs (R).

COLORADO HB 1358 – RADIOACTIVE WASTE - Expands the definition of classified radioactive waste to include technologically enhanced naturally occurring radioactive materials, non-11 e (2) byproduct materials, and alternate feed materials. Defines ores. Exempts ores and certain technologically enhanced naturally occurring radioactive materials from the definition. Signed by Governor 3 June. The sponsor is Representative Lola Spradley (R).

COLORADO HJR 1007 – WATER - Determines that 82 proposed wastewater treatment system, stormwater, and nonpoint source pollution reduction projects are included as additions or modifications to the Project Eligibility List, as projects eligible for financial assistance through the Water Pollution Control Revolving Fund. Signed by Governor 12 February. The sponsor is Representative Diane Hoppe (R).

COLORADO HJR 1012 – ENDANGERED SPECIES - Authorizes the Executive Director of the Department of Natural Resources to obligate and expend \$3,628,395 from the capital account of the Species Conservation Trust Fund for specified activities, programs, and species. Signed by Governor 8 April. The sponsor is Representative Diane Hoppe (R).

COLORADO HJR 1015 – WATER CONSERVATION – Asks homeowners' associations, municipalities, and counties to review their covenants, ordinances, resolutions, and procurement codes and contracts to evaluate their effects on the State's water resources. Requires homeowners' associations municipalities, and counties to revise and implement covenants, ordinances, resolutions, or procurement codes and contracts that encourage and promote responsible water conservation measures, including specifically xeriscaping. Signed by Governor 8 April. The sponsor is Representative Tom Wiens (R).

COLORADO SB 45 – WATER - Increases the regulation of water well construction contractors and pump installers by: (1) requiring continuing education of such contractors and installers as a condition of licensure; (2) specifying additional enforcement authority of the State Board of Examiners of water well construction and pump installation contractors; and (3) creating a well inspection program to be paid for through license fees and a \$40 increase in well permit fees that would be paid into a newly-created well inspection cash fund. Signed by Governor 14 May. The sponsor is Senator Lewis Entz (R).

COLORADO SB 73 – WATER - Defines "re-timing well" as any well that diverts water for recharge or to augment or replace water to a stream, ditch, canal, or reservoir. Requires the State Engineer to adopt rules by 1 July 2003, for the use of tributary ground water in the South Platte river basin by re-timing wells and by wells that were vested on or before 7 June 1969. Exempts certain uses from the rules. Allows the State Engineer to approve replacement plans and requires the State Engineer to assume in such plans that depletions are at least 50% of diversions. Signed by Governor 30 April. The sponsor is Senator David Owen (R).

COLORADO SB 115 – WATER - Defines "removal of water" as a change in the type and place of use of an absolute decreed agricultural water right from irrigated agricultural use in one county to a use not primarily related to agriculture in another county. Defines a "significant water development activity" as any removal of water that results in the transfer of more than 1,000 acre-feet of consumptive use of water per year by a single applicant. Requires applicants for a significant water development activity to notify affected local governments, school districts, and water districts. Signed by Governor 7 April. The sponsor is Senator Mark Hillman (R).

COLORADO SB 181 – WATER - Increases well permit fees to be deposited in the Ground Water Management Cash Fund. Makes a supplemental appropriation. Effective immediately. Signed by Governor 5 March. The sponsor is Senator Peggy Reeves (D).

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MONTANA

AIR INFORMATION:

PROPOSED REGULATIONS – REVISIONS PERTAINING TO PERMITS AND FEES – The Montana Board of Environmental Review will hold a public hearing 30 July 2003 to consider revisions to conditions for issuance or denial of permits, review of permit applications, revocation of permits, permit fees, operation fees, and open burning fees. For more information, contact David Rusoff at (406) 444-2626

Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.leg.state.mt.us>.



NORTH DAKOTA

WASTE INFORMATION:

PROPOSED REGULATION – ADOPTION OF FEDERAL RULES - The North Dakota Department of Health has proposed amendments to its hazardous waste management rules to adopt by reference federal RCRA amendments promulgated since late 1996. The amendments include: (1) the military munitions rule; (2) used oil management standards for PCB-contaminated oil; (3) regulatory definition of solid waste fuels produced from hazardous waste; (4) listing of four petroleum refining wastes as hazardous waste; (5) streamlined permitting of TSD facilities for remediation wastes; (6) listing of hazardous waste lamps as universal wastes; (7) conditional exemption for low level mixed wastes (hazardous waste and radioactive material); (8) corrective action management unit rule; and (9) conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The Department will hold a public hearing 19 July 2003. Written comments are due by 14 August. For more information, contact Curt Erickson at (701) 328-5166.

WATER INFORMATION:

FINAL LIST – APPROVAL OF 2002 303 (d) LIST OF IMPAIRED WATERS – The North Dakota Department of Health adopted its 2002 303(d) List of Impaired Waters and submitted the list to EPA for approval. The Department received approval from EPA in April 2003. For more information, contact Michael Ell at (701) 328-5210, or link: [http://www.health.state.nd.us/wq/sw/Z7_Publications/303\(d\)Lists/TMDL_2002.pdf](http://www.health.state.nd.us/wq/sw/Z7_Publications/303(d)Lists/TMDL_2002.pdf).

Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.state.nd.us/lr/>.



SOUTH DAKOTA

AIR INFORMATION:

PROPOSED REGULATION – ADOPTION OF FEDERAL AIR REGULATIONS - The South Dakota Department of Environment and Natural Resources (DENR) has proposed to adopt federal amendments to its air quality rules. The amendments include: (1) performance standards for oil and gas production facilities; (2) performance standards for oil and gas transmission and storage facilities; (3) performance standards for secondary aluminum production; (4) performance standards for publicly owned treatment works; (5) performance standards for solvent extraction of vegetable oil; (6) performance standards for paper and other web coating facilities; (7) performance standards for municipal solid waste landfills; (8) categories of sources for which DENR can issue a general permit; and (9) circumstances in which DENR may require a source applying for a general permit to get an individual permit. DENR will hold a public hearing 17 July 2003. Written comments are due by that date. For more information, contact Brian Gustafson at (605) 773-3151, or link:

<http://www.state.sd.us/denr/DES/AirQuality/Regulations/proposedamend.htm>.

WASTE INFORMATION:

PROPOSED REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE RULES - The South Dakota DENR has proposed to adopt federal hazardous waste rules. The amendments include: (1) revisions to the Mixture and Derived-From Rule; (2) identification and listing of inorganic chemical manufacturing wastes; and (3) NESHAP for hazardous waste combustors. DENR will hold a public hearing on 17 July 2003. Written comments are due by that date. For more information, contact Carrie Jacobson at (605) 773-3153, or link: <http://legis.state.sd.us/rules/register/05272003.pdf>.

Legislative Developments

The 2003 legislative session began 14 January and ended 24 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legis.state.sd.us/index.cfm>.



UTAH

WASTE INFORMATION:

FINAL RULE – FINAL AUTHORIZATION OF UTAH'S HAZARDOUS WASTE MANAGEMENT PROGRAM REVISION

– On 11 June 2003 (68 FR 34829), EPA granted final authorization to Utah to operate its hazardous waste program under the Resource Recovery and Conservation Act (RCRA), subject to limitations on its authority retained by EPA in accordance with RCRA. The final authorization was effective 11 June 2003. For further information, contact Kris Shurr, EPA at (303) 312-6139, or e-mail: shurr.kris@epa.gov.

Legislative Developments

The 2003 legislative session began 20 January and ended 5 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://www.le.state.ut.us/>.



WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 23 April 2002, the Wyoming Water/Waste Advisory Board met to consider recommending adoption of the Military Munitions Rule (MMR). The Wyoming Department of Environmental Quality (DEQ) suggested that the Board recommend adoption of most, but not all, of the federal rule. DoD provided comments on DEQ's proposal. DEQ is expected to repropose the regulation in the summer of 2003. For more information, contact Diane Connolly, WREO Regional Counsel at (303) 844-0955.

Legislative Developments

The 2003 legislative session began 14 January and ended 6 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legisweb.state.wy.us>.

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